

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Knut ELBERS et al) Art Unit: 1648
U.S. Appln. No. : to be assigned) Examiner: Ali Reza Salimi
Confirmation No. : to be assigned
U.S. Filing Date : June 20, 2003
Title of Invention : Recombinant attenuation of porcine reproductive and respiratory
syndrome (PRRSV)
Attny. Docket No. : 1/1120/25/26-1-C1

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

June 20, 2003

TRANSMITTAL LETTER FOR INFORMATION DISCLOSURE STATEMENT

Sir:

Transmitted herewith concerning the subject application is an Information Disclosure Statement (Form 1449A/B) under 37 C.F.R. §§1.56 and 1.97, as more specifically described hereinbelow.

Copies of the references listed on form 1449/PTO, page 1 under Foreign Patent Documents and on page 2 under Non Patent Literature Documents can be found in the parent case of this application S.N. 09/772,316 for which benefit is claimed.

Copies of the references listed on form 1449/PTO, page 1 under U.S. Patent Documents are enclosed herewith.

☒ 1.97(b). This Statement is being filed: i) within three (3) months of the filing date of a national application other than a continued prosecution application under 33 C.F.R. §1.53 (d); ii) within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application; iii) before the mailing of a first Office action on the merits; or iv) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. §1.114.

☐ 1.97(c). This Statement is being filed after the time period specified in 37 C.F.R. §1.97(b), but before the mailing date of: i) a final action under 37 C.F.R. §1.113, ii) a notice of allowance under 37 C.F.R. §1.311, or iii) an action that otherwise closes prosecution in the application. This Statement is being accompanied by:

☐ A statement as specified in 37 C.F.R. §1.97(e) [see below]; or

☐ The fee set forth in 37 C.F.R. §1.17(p).

☐ The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.

☐ 1.97(d). This Statement is being filed after the period specified in 37 C.F.R. §1.97(c) but on or before payment of the issue fee. This Statement is accompanied by a statement as specified in 37 C.F.R. §1.97(e) [see below] and the fee set forth in 37 C.F.R. §1.17(p).

☐ 1.97(e).

☐ Each item of information contained in the instant information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the instant information disclosure statement; or

☐ No item of information contained in the instant information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in the instant information disclosure statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three (3) months prior to the filing of the instant information disclosure statement.

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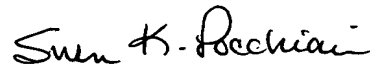
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☐ 1.704(d). Each item of information contained in the accompanying information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, which communication was not received by any individual designated in section 1.56(c) more than thirty (30) days prior to the filing of the accompanying information disclosure statement.

☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. §1.16 and any patent application processing fees under 37 C.F.R. §1.17, or credit any overpayment of same, to Deposit Account No. 02-2955.

Triplicate copies of this form are enclosed.

Respectfully submitted,




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Substitute for form 1449/PTO <h1>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h1> <p><i>(Use as many sheets as necessary)</i></p>				Complete if Known	
				Application Number	to be assigned
				Filing Date	June 20, 2003
				First Named Inventor	Knut ELBERS
				Art Unit	1648
				Examiner Name	Ali Reza Salimi
				Attorney Docket Number	1/1120/25/26-1-C1
Sheet	1	of	2		

[illegible]

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)	MM-DD-YYYY			
		WO-9640932-A	12-19-1996	PAUL, PREMS S. et al		

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.¹ Applicant's unique citation designation number (optional).² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible.⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.**

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				Application Number	to be assigned
				Filing Date	June 20, 2003
				First Named Inventor	Knut ELBERS
				Art Unit	1648
Examiner Name	Ali Reza Salimi				
Sheet	2	of	2	Attorney Docket Number	1/1120/25/26-1-C1

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		MEULENBERG, J. J. M. et al, "Lelystad Virus, the Causative Agent of Porcine Epidemic Abortion and Respiratory Syndrome (PEARS), Is Related to LDV and EAV", Virology, 1993, 192:62-72.	
		CONZELMANN, K. et al, "Molecular Characterization of Porcine Reproductive and Respiratory Syndrome Virus, a Member of the Arterivirus Group", Virology, 1993, 193:329-339.	
		KAPUR, V. et al, "Genetic variation in porcine reproductive and respiratory syndrome virus isolates in the midwestern United States", J. of Gen. Virol., 1996, 77:1271-1276.	
		MURTAUGH, M.P. et al, "Comparison of the structural protein coding sequences of the VR-2332 and Lelystad virus strains of the PRRS virus", Arch Virol, 1995, 140:1451-1460.	
		ROSSOW, K.D., "Porcine Reproductive and Respiratory Syndrome", Vet Pathol, 1998, 35:1-20.	
		NELSEN, C.J. et al, "Porcine Reproductive and Respiratory Syndrome Virus Comparison: Divergent Evolution on Two Continents", J. Virol., 1999 73(1):270-280.	
		SNIJDER, E.J. and MEULENBERG, J.J.M., "The molecular biology of arteriviruses", J. of Gen. Virol., 1998, 79:961-979.	
		YANG S X et al: "Comparative sequence analysis of open reading frames 2 to 7 of the modified live vaccine virus and other North American isolates of the porcine reproductive and respiratory syndrome virus" Archives of Virology, 1998, 143(3):601-612.	

Examiner Signature		Date Considered	
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¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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